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7 Attorneys for Complainant

8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2008-179

12 DEBBIE JOSEPHINE HILL  
a.k.a. DEBORAH HILL  
13 505 N. Figueroa St., Apt. 455  
Los Angeles, CA 90012

14 Registered Nurse License No. 646333

15 Respondent.  
16  
17

**DEFAULT DECISION  
AND ORDER**

[Gov. Code, §11520]

18 **FINDINGS OF FACT**

19 1. On or about December 5, 2007, Complainant Ruth Ann Terry, M.P.H.,  
20 R.N., in her official capacity as the Executive Officer of the Board of Registered Nursing,  
21 Department of Consumer Affairs, filed Accusation No. 2008-179 against Debbie Josephine Hill  
22 a.k.a. Deborah Hill before the Board of Registered Nursing.

23 2. On or about October 13, 2004, the Board issued Registered Nurse License  
24 Number 646333 to Debbie Josephine Hill a.k.a. Deborah Hill (Respondent). The Registered  
25 Nurse License expired on January 31, 2006, and has not been renewed.

26 3. On or about December 17, 2007, Gilda R. Sanchez, an employee of the  
27 Department of Justice, served by Certified and First Class Mail a copy of the Accusation  
28

1 No. 2008-179, Statement to Respondent, Notice of Defense, Request for Discovery, Government  
2 Code sections 11507.5, 11507.6, and 11507.7 and Recommended Guidelines for Disciplinary  
3 Orders and Conditions of Probation to Respondent's address of record with the Board, which was  
4 and is 505 N. Figueroa Street, Apt. 455, Los Angeles, CA 90012. A copy of the Accusation, the  
5 related documents, and Declaration of Service are attached as **Exhibit A**, and are incorporated  
6 herein by reference.

7 4. Service of the Accusation was effective as a matter of law under the  
8 provisions of Government Code section 11505, subdivision (c).

9 5. Both the First Class mailing and the certified mailing were returned by the  
10 post office stamped "*unable to forward*." The returned mailings are attached hereto as **Exhibit**  
11 **B**, and incorporated by reference.

12 6. Government Code section 11506 states, in pertinent part:

13 "(c) The respondent shall be entitled to a hearing on the merits if the respondent  
14 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the  
15 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of  
16 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

17 7. Respondent failed to file a Notice of Defense within 15 days after service  
18 upon her of the Accusation, and therefore waived her right to a hearing on the merits of  
19 Accusation No. 2008-179.

20 8. California Government Code section 11520 states, in pertinent part:

21 "(a) If the respondent either fails to file a notice of defense or to appear at the  
22 hearing, the agency may take action based upon the respondent's express admissions or upon  
23 other evidence and affidavits may be used as evidence without any notice to respondent."

24 9. Pursuant to its authority under Government Code section 11520, the Board  
25 finds Respondent is in default. The Board will take action without further hearing and, based on  
26 Respondent's express admissions by way of default and the evidence contained in Board files  
27 related to this matter, including attached exhibits, finds that the allegations in Accusation No.  
28 2008-179 are true.

1                   10.     The "Sure-Med System" is a computerized automated medication  
2 dispensing system which operates similarly to an automated teller machine at a bank. Sure-Med  
3 medication dispensing machines, located throughout the hospital, are serviced by the facility  
4 pharmacy. Medications can be withdrawn from Sure-Med machines only by authorized staff  
5 using a personalized access code, and the machine records the medication and dose, date and  
6 time it was withdrawn, the user access code, and the patient for whom it was withdrawn, and  
7 automatically updates the hospital pharmacy inventory for that particular medication.

8                   11.     Respondent is subject to discipline under Business and Professions Code  
9 section 2761, subdivision (a), section 2762, subdivision (a), for violating Health and Safety Code  
10 section 11173, subdivision (a), in that while employed as a traveling registered nurse in or about  
11 September 2007, at Garfield Medical Center (Garfield) in the city of Monterey Park, California,  
12 assigned to and on duty in the Critical Care Unit of Garfield, Respondent was issued temporary  
13 codes to access medication for patients via Garfield's Sure-Med system, which she then used to  
14 obtain and divert controlled substances, as described more fully in the first cause of the  
15 Accusation.

16                   12.     Respondent is subject to disciplinary action under Business and  
17 Professions Code section 2761, subdivision (a) and (d), section 2762, subdivision (e), for  
18 violating Health and Safety Code sections 11350, subdivision (a) and 11173, subdivisions (a) and  
19 (b), in that while employed as a traveling registered nurse at Garfield, Respondent falsified, made  
20 grossly incorrect, grossly inconsistent, or unintelligible entries in hospital and patient records  
21 pertaining to controlled substances and dangerous drugs, as described more fully in the second  
22 cause of the Accusation.

23                   13.     Respondent is subject to discipline under Business and Professions Code  
24 section 2761, subdivisions (a)(1), on the grounds of unprofessional conduct, in that while  
25 employed as a traveling registered nurse at Garfield, Respondent demonstrated gross negligence  
26 and/or incompetence by failing to make accurate entries in hospital narcotic logs, medication  
27 sheets, and similar patient records in order to conceal her diversion of controlled substances, as  
28 described more fully in the third cause of the Accusation.

14. The total costs for investigation and enforcement are Five Thousand, One Hundred and Eighty-Five Dollars (\$5,185.00).

## DETERMINATION OF ISSUES

1. Based on the foregoing Findings of Fact, Respondent Debbie Josephine Hill a.k.a. Deborah Hill has subjected her Registered Nurse License No. 646333 to discipline under Business and Professions Code section 490, section 2761, subdivision (a), and subdivision (f) and section 2762 subdivision (b) and subdivision (c) and California Code of Regulations, title 16, section 1444.

2. A copy of the Accusation and the related documents and Declaration of Service are attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License No. 646333.

## ORDER

WHEREFORE the Board of Registered Nursing issues its decision REVOKING Registered Nurse License No. 646333, heretofore issued to Respondent Debbie Josephine Hill a.k.a. Deborah Hill

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on 6-2-2008.

It is so ORDERED 5-1-2008

La Francine White

FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

1 BILL LOCKYER, Attorney General  
of the State of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
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13 505 N. Figueroa St., Apt. 455  
Los Angeles, CA 90012

**A C C U S A T I O N**

14 Registered Nurse License No. 646333

15  
16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation  
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,  
22 Department of Consumer Affairs (Board).

23 2. On or about October 13, 2004, the Board issued Registered Nurse License  
24 Number 646333 to Debbie Josephine Hill a.k.a. Deborah Hill (Respondent). The Registered  
25 Nurse License expired on January 31, 2006, and has not been renewed.

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1           “(a) Obtain or possess in violation of law, or prescribe, or except as directed by a  
2 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish  
3 or administer to another, any controlled substance as defined in Division 10 (commencing with  
4 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as  
5 defined in Section 4022.

6           ....

7           “(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible  
8 entries in any hospital, patient, or other record pertaining to the substances described in  
9 subdivision (a) of this section.”

10           8.       Section 125.3 of the Code provides, in pertinent part, that the Board may  
11 request the administrative law judge to direct a licensee found to have committed a violation or  
12 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
13 and enforcement of the case.

14           9.       California Code of Regulations, title 16, section 1442, states:

15           "As used in Section 2761 of the code, 'gross negligence' includes an extreme  
16 departure from the standard of care which, under similar circumstances, would have ordinarily  
17 been exercised by a competent registered nurse. Such an extreme departure means the repeated  
18 failure to provide nursing care as required or failure to provide care or to exercise ordinary  
19 precaution in a single situation which the nurse knew, or should have known, could have  
20 jeopardized the client's health or life."

21           10.      California Code of Regulations, title 16, section 1443, states:

22           "As used in Section 2761 of the code, 'incompetence' means the lack of possession  
23 of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed  
24 and exercised by a competent registered nurse as described in Section 1443.5."

25           11.      California Code of Regulations, title 16, section 1443.5 states:

26           "A registered nurse shall be considered to be competent when he/she consistently  
27 demonstrates the ability to transfer scientific knowledge from social, biological and physical  
28 sciences in applying the nursing process, as follows:





1 section 4022(c).

2 14. "Lortab" is the trade name for the narcotic substance hydrocodone  
3 bitartrate with the non-narcotic substance acetaminophen. It is a Schedule III controlled  
4 substance, as designated by Health and Safety Code section 11056, subdivision (e)(3) and is  
5 categorized as a "dangerous drug" pursuant to Business and Professions Code section 4022(c).

6 15. "Darvocet" is a combination drug containing propoxyphene napsylate and  
7 the non-narcotic substance acetaminophen. It is a Schedule IV controlled substance, as  
8 designated by Health and Safety Code section 11057, subdivision (c)(2) and is categorized as a  
9 "dangerous drug" pursuant to Business and Professions Code section 4022(c).

10 16. The "Sure-Med System" is a computerized automated medication  
11 dispensing system which operates similarly to an automated teller machine at a bank. The Sure-  
12 Med medication dispensing machines, which are located throughout the hospital, are serviced by  
13 the facility pharmacy. Medications can be withdrawn from the Sure-Med machines only by an  
14 authorized staff person using his or her own personalized access code. The Sure-Med machine  
15 makes a record of the medication and dose, date and time it was withdrawn, the user  
16 identification, and the patient for whom it was withdrawn. The Sure-Med system automatically  
17 updates the hospital pharmacy inventory for that particular medication.

### 18 **FIRST CAUSE FOR DISCIPLINE**

#### 19 **Obtained or Possessed Controlled Substances by Fraud or Deceit**

20 17. Respondent's license is subject to disciplinary action under Business and  
21 Professions Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as  
22 defined in section 2762, subdivision (a), for violating Health and Safety Code section 11173,  
23 subdivision (a), in that while employed as a traveling registered nurse at Garfield Medical Center  
24 in the city of Monterey Park, California ("Garfield"), Respondent obtained or possessed  
25 controlled substances as follows:

26 A. On or about September 10, 2007, while assigned to and on duty in the  
27 Critical Care Unit (CCU) of Garfield, Respondent was issued temporary codes to access  
28 medication for patients via Garfield's Sure-Med system. She was then issued different temporary

1 codes at the beginning of each subsequent shift. During September of 2004, Respondent was the  
2 only employee in CCU issued temporary codes.

3 B. In or about September of 2004, a random audit of the Sure-Med system by  
4 the pharmacy at Garfield disclosed unusually high usage of the drug Vicodin in CCU.  
5 Subsequent investigation found irregularities in Respondent's access of drugs from the Sure-Med  
6 dispenser in CCU, as follows:

7 C. **Patient No. 350150**

- 8 1. Patient 350150 has no physician's order for Vicodin or Lortab.
- 9 2. Nevertheless, per Sure-Med reports for its CCU dispenser for the dates  
10 September 11, 13 and 15, 2004, Respondent withdrew Vicodin (Hydrocodone/APAP/7.5 mg/750  
11 mg tablet) for patient 350150 three times, as follows: *September 11, 2004, 1832 hrs. (2 tabs);*  
12 *September 13, 2004, 1031 hrs (2 tabs); September 15, 2004, 0917 hrs (2 tabs).*
- 13 3. Respondent additionally withdrew Lortab (Hydrocodone/APAP/5 mg/500  
14 mg tablet) on one occasion: *September 15, 2004 1907 hrs (2 tabs)*
- 15 4. There are no entries by Respondent in either the Medication  
16 Administration Records or Nursing Progress Notes for this patient, for the referenced dates,  
17 indicating Respondent administered Vicodin or Lortab to the patient.
- 18 5. 6 tablets (45 mg) of Vicodin and/or 2 tablets (10 mg) of Lortab. are  
19 unaccountable by hospital records.

20 D. **Patient No. 479039**

- 21 1. Patient 479039 had no physician's order for Lortab.
- 22 2. Nevertheless, per Sure-Med reports for its CCU dispenser for September  
23 15, 2004, Respondent withdrew Lortab in tablet form for patient 479039 once as follows:  
24 *September 15, 2004, 1637 hrs (2 tabs).*
- 25 3. There are no entries by Respondent in either the Medication Administration  
26 Records or Nursing Progress Notes for this patient, indicating Respondent administered Lortab to  
27 the patient.
- 28 4. 2 tablets of Lortab (10mg) are unaccountable by hospital records.

1                    E.     **Patient No. 472360**

- 2                    1.     Patient 472360 has no physician's order for Vicodin ES.
- 3                    2.     Nevertheless, per Sure-Med reports for its CCU dispenser for September
- 4 13, 2004, Respondent withdrew Vicodin ES in tablet form for patient 472360 once as follows:
- 5 *September 13, 2004, 1309 hrs (2 tabs).*
- 6                    3.     There are no entries by Respondent in either the Medication Administration
- 7 Records or Nursing Progress Notes for this patient, indicating Respondent administered Vicodin
- 8 to the patient.
- 9                    4.     2 tablets of Vicodin ES (15 mg) are unaccountable by hospital records.

10                   F.     **Patient No. 436682**

- 11                   1.     Patient 436682 has no physician's order for Vicodin ES.
- 12                   2.     Nevertheless, per Sure-Med reports for its CCU dispenser for the dates
- 13 September 10, 2004, Respondent withdrew Vicodin ES in tablet form for patient 436682 twice as
- 14 follows: *September 10, 2004, 1311 hrs (2 tabs); September 10, 2004, 1601 hrs (2 tabs).*
- 15                   3.     There are no entries by Respondent in either the Medication Administration
- 16 Records or Nursing Progress Notes for this patient, indicating Respondent administered Vicodin
- 17 ES to the patient.
- 18                   4.     4 tablets of Vicodin ES (30 mg) are unaccountable by hospital records.

19                   G.     **Patient No. 458902**

- 20                   1.     Patient 458902 has a physician's order for Vicodin 1 tablet every 6 hours
- 21 'prn' (as needed) for back pain.
- 22                   2.     However, per Sure-Med reports for its CCU dispenser for September 11,
- 23 2004, Respondent withdrew Vicodin in tablet form for patient 458902 three times, a total of 5
- 24 tablets in approximately 4.25 hours, as follows: *September 11, 2004, 0854 hrs (2 tabs);*
- 25 *September 11, 2004, 0954 hrs (1 tab); September 11, 2004, 1309 hrs (2 tabs).*
- 26                   3.     Entries by Respondent in the Medication Administration Records are
- 27 illegible.
- 28                   4.     Nursing Progress Notes for this patient indicate that Respondent

1 administered one tablet of Vicodin ES to the patient on September 11, 2004 at 1000 hours. An  
2 earlier entry by Respondent at 0800 indicates the patient "denies pain."

3 5. 4 tablets of Vicodin ES (30 mg) are unaccountable by hospital records.

4 H. **Patient No. 473600**

5 1. Patient 473600 had no physician's order for Vicodin.

6 2. Nevertheless, per Sure-Med reports for its CCU dispenser for September  
7 11, 2004, Respondent withdrew Vicodin in tablet form for this patient once as follows:  
8 *September 15, 2004, 1427 hrs (2 tabs).*

9 3. There are no entries by Respondent in either the Medication Administration  
10 Records or Nursing Progress Notes for this patient, indicating Respondent administered Vicodin  
11 to the patient.

12 4. Patient 473600 had a physician's order for Darvocet, a different pain  
13 medication. Med-Sure records indicate Respondent withdrew Darvocet 100 mg for the patient;  
14 and Medication Administration Records show Respondent administered Darvocet to the patient  
15 on September 15, 2004 at 0915 hours.

16 5. 2 tablets of Vicodin ES (15 mg) are unaccountable by hospital records.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **Falsified Hospital Records**

19 18. Respondent's license is subject to disciplinary action under Business and  
20 Professions Code section 2761, subdivision (a) and (d), on the grounds of unprofessional conduct,  
21 as defined in Business and Professions Code, section 2762, subdivision (e), for violating Health  
22 and Safety Code sections 11350, subdivision (a) and 11173, subdivisions (a) and (b), in that while  
23 employed as a traveling registered nurse at Garfield Medical Center Respondent falsified, made  
24 grossly incorrect, grossly inconsistent, or unintelligible entries in hospital and patient records  
25 pertaining to controlled substances and dangerous drugs in the following respects:

26 Complainant refers to, and by this reference incorporates all allegations of  
27 paragraph 17 above, as though set forth fully.

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